

# Episode 51

## Two Trips to Review the Laws in Sudan

Sudan's President Numairi had implemented Islamic laws towards the end of his regime in 1983, in which he implemented several of the Hadd laws and abolished *ribā* (interest). However, his regime was ousted through a coup. When the new government came to power under Sadiq al-Mahdi, it tried to abolish those laws saying that there were many flaws in them from Shariah point of view. The political and religious parties in Sudan had quite some friction on this topic. Eventually, some individuals convinced the government not to outright abolish those laws, but to instead rectify their shortcomings through discussions between scholars and lawmakers. For this, the Sudanese government formed a committee of neutral scholars and lawmakers in which Shaykh Mustafa Al-Zarqa from Jordan, Mr Salim al-Awa from Egypt, and Dr Tanzil-ur-Rehman, Professor Khurshid Ahmad and I from Pakistan were invited. To this end, the three of us began our journey in Rabi al-Awwal 1407 AH, equivalent to November 1986. We first presented ourselves in Makkah Mukarramah and received the blessing of performing Umrah, and then late afternoon the next day, headed for Sudan's capital of Khartoum from Jeddah. Our plane landed at Khartoum Airport in the evening, around asr time. Government representatives, led by the Attorney General of Sudan, were present to receive us. They took us to the VIP lounge, where we were in some hurry to perform asr prayer. When we reached the washroom of the VIP lounge to perform ablution, we found it in disarray. It felt as if we had arrived at a travellers' lodge of an old railway station. We awkwardly performed ablution and sat down in the lounge, where we were served "Karkadeh", the traditional Sudanese drink, which was my first pleasant experience of drinking it. We sat waiting for our luggage so that we could leave for our accommodation, but maghrib time arrived without any signs of it. We offered maghrib prayer and asked the lounge staff: "When will our luggage come?" They very kindly reassured us that the Attorney General had personally gone to bring our bags, so we would be the first ones to receive our luggage. Isha time arrived amidst these reassurances but no one brought our luggage. When quite some time passed even after isha, we said: "Please take us to the place where the baggage arrives, so that we can identify our bags by ourselves". The relevant staff at first hesitated at this request, saying

that this was against the protocol of the VIP lounge, but as the night wore on and waiting became unbearable, we insisted upon them to take us and stood up to walk through, at which they were compelled to take us to the baggage collection lounge. The scene we beheld there is something that can only be experienced through the eyes and cannot be described in words.

This was a small room filled almost to the ceiling with luggage from several flights, and passengers could be seen either standing upon each other in the unfilled crannies between bags, or standing upon the heaps of bags. When we finally managed to fumble through into the room and tried to find the Attorney General, we found him after a while standing on a heap of luggage and searching for the luggage tag number on a suitcase buried under his feet. In this state, finding one's own luggage was also not easy, but after much toil and struggle, Professor Khurshid's and my luggage were found, but Dr Tanzil-ur-Rehman's luggage could still not be found. A report was filed for this, and as a result we departed for the hotel six hours after landing, at about 11pm. Poor Dr Tanzil-ur-Rehman<sup>1</sup> had to wear the same pant and shirt at all times for several days. Since I have very rarely experienced this kind of situation in all of my countless travels, the entire scene became etched into my memory. This was the state of that airport thirty-six years ago. I hope it is not in the same condition now.

Anyway! We stayed in Khartoum for one week. During this time, several meetings of the committee took place in which the laws implemented by Mr Numairi were reviewed. Especially with Shaykh Mustafa Al-Zarqa (may Allah have mercy on him), this lowly one had some academic sittings as well. The committee was unanimous on the point that the laws were overall within the dictates of the Shariah, though they certainly needed amendments with respect to certain points. However, there were no grounds to outright abolish them due to those points. It was therefore decided that the necessary amendments should be written down article-by-article and presented to the government in the form of a report. The committee assigned me the task of working out the amendments for the laws of Hudood and Qisas, but since this task required a considerable

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<sup>1</sup> Now he has also returned to Allah. May Allah have mercy on him.

amount of time, it was decided that I should work on them at my own pace after returning to Pakistan, and that later on, a second meeting should be convened in Sudan in which those amendments should be reviewed, and after that a detailed report should be presented to the government. We therefore returned from Sudan and arrived in Jeddah late at night. This time, I had made a booking in the Pakistan House in Makkah Mukarramah for a few days' stay. I therefore took a taxi from Jeddah and reached Makkah Mukarramah around 1am. The Pakistan House was located at Ajyad Road. When I stopped the taxi in front of it and alighted in the state of Ihram, icy winds were blowing. The gate of the Pakistan House was closed. I rang the doorbell a few times but perhaps the staff had gone to sleep. I have never experienced such cold in Makkah Mukarramah, neither before that day nor after. The wind was so biting and chilly that standing in the state of Ihram even for a few minutes in wait of the door to open became unbearable, so I returned to the taxi and asked the driver to take me behind to Funduq Abd al-Aziz, which was located at the end of Ajyad road (at the place where today Funduq al-Safwah stands) and was very near to the Haram. Alhamdulillah I got a room there and thereafter performed Umrah that night by wearing a blanket of the hotel over the sheets of Ihram, and by the grace and favour of Allah, received the tawfeeq to spend a few days in the shade of the honourable Haram. And as far as I remember, it was during that stay that I composed the supplication:

سرگشتہ و درماندہ، بے ہمت و ناکارہ

وارفتہ و سرگرداں، بے مایہ و بیچارہ

شیطان کا ستم خوردہ، اس نفس کا دکھیارا

آج اپنی خطاوں کا لادے ہوئے پشتارہ

دربار میں حاضر ہے اک بندہ آوارہ

After returning to Karachi, along with my other activities, I wrote a detailed critique on the Hudood and Qisas laws in Sudan and proposed article-by-article amendments to them. (This critique, comprising of the amendments, has been published in my collection of Arabic essays “Maqālāt al-Uthmānī”<sup>1</sup>)

When this work was completed, a second meeting of the committee was decided for the 2<sup>nd</sup> of February 1987 in Khartoum. For participating in it, I departed for Jeddah at 4:30pm on the 31<sup>st</sup> of January 1987 together with Dr Tanzil-ur-Rehman and Professor Khurshid Ahmad. We reached Makkah Mukarramah at 10pm and performed Umrah by the grace of Allah. After completing Umrah around 1am, we spent the night at Pakistan House. The next day, when we reached Jeddah Airport at late afternoon, I received the sorrowful news of the passing away of my brother-in-law and former Director of Darul Uloom Hadhrat Maulana Nur Ahmad (may Allah have mercy on him). *Innā Lillahi Wa Innā Ilayhi Rāji’ūn*. The heart became restless at this news, but in view of the significance of the work ahead, it was not possible to postpone the journey, and neither was there any way for me to return in time to be able to participate in his funeral. Thus, with a gloomy heart, I departed for Khartoum at 3pm and reached there at 6pm. Alhamdulillah this time we did not have to undergo the same tribulation at the airport as in the previous visit.

The next morning, a conference was held in Khartoum’s Qā’ah al-Ṣadāqah (Friendship Hall) titled “*Mu’tamar Minhāj al-Dawah wa Iqāmat al-Niẓām al-Islāmī*”. My talk took place during its second session. After the conference, our committee’s meeting to review the proposed amendments took place, and these review meetings continued until the next day. The amendments were finalized that night and a final report was prepared. The famous political leader of Sudan Mr Hasan al-Turabi (who was in the Opposition at that time) had invited us for dinner that same night, and we had a sitting with him till late. Thereafter on the 4<sup>th</sup> of February 1987, we had a meeting scheduled with the Prime Minister of Sudan Sadiq Al-Mahdi. We presented our report to him during that meeting, and thereafter broadcast it in a press conference. As a result of this

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<sup>1</sup> Dar al-Qalam, Damascus has published this collection under the name “*Buḥūth Wa Maqālāt*”.

effort, Alhamdulillah one dispute in Sudan came to an end and the idea to abolish Islamic laws was revoked.

After completing this work, we departed for our return from Khartoum at 7am on Friday the 6<sup>th</sup> of February, equivalent to the 7<sup>th</sup> of Jamadi Al-Thania 1407 AH. After landing in Jeddah at 10am, Alhamdulillah we offered the Friday prayer in the Haram in Makkah Mukarramah. We performed Umrah after asr and departed from Jeddah the same night at 8:30pm and reached Karachi at 2:30am.

## **Membership in the Islamic Fiqh Academy**

During the days I was working in the Supreme Court, President General Muhammad Zia-ul-Haq was one time invited as a special guest to a ceremony organized by the Karachi High Court. At the end of the ceremony, he said to me: “The Organization of Islamic Conference (OIC) (which is an organization of Muslim countries<sup>1</sup>), intends to establish a subsidiary department under it called “Islamic Fiqh Academy” in which novel fiqh-related issues of contemporary times would be collectively deliberated. We had sent Justice Aftab Husain as the representative of Pakistan in its first session, but officials of the Academy have asked us to nominate such an individual for its membership who has specialized in the Islamic sciences and is well-versed in Arabic language. I therefore wish to nominate you as the representative of Pakistan. I hope you will accept.” I was not aware of the complete background of the Academy at that time, but accepted this offer of the respected General for two reasons. Firstly, I was personally interested in this topic, and secondly, since the headquarter of the Academy was in Jeddah, it appeared that membership of

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<sup>1</sup> This organization was formed during the era of Mr Zulfiqar Ali Bhutto, and besides him, the late King Faisal also played a major role in its formation. The objective of this organization was for Muslim countries to solve their common problems through mutual cooperation. Initially, its Arabic name was “*Munazzamah al-Mu’tamar al-Islāmi*” and English name “Organization of Islamic Conference”, which was later changed to “*Munazzamah al-Ta’āwun al-Islami*” in Arabic and “Organization of Islamic Cooperation” in English, while the abbreviation of both names was “OIC”. Numerous beneficial departments have been formed under this organization, which include various scientific, economic and educational departments.

this Academy would provide ample opportunities to visit the Haramain Shareefain. The respected General said: “I shall instruct the Ministry of Foreign Affairs to get in touch with you regarding this.” Subsequently, officials of the Ministry of Foreign Affairs contacted me within a few days and sent me the relevant documents of the Academy.

It was learned from those documents that in a meeting of heads of state of Muslim countries, the late King Faisal had proposed the creation of a fiqh-related department under the OIC which would consist of the most eminent scholars from Muslim countries, in which new fiqh-related issues arising in the world which needed collective thought would be brought under discussion. A founding session of this department had already taken place. It had been resolved in that meeting that this department would be named “*Majma‘ al-Fiqh al-Islami*” (Islamic Fiqh Academy), and each Muslim country would nominate one representative who would be a permanent member of the Academy. However, since sometimes political motives also play a role in such nominations, it had been decided in the Constitution of the Academy that the governments could only nominate their representatives, while the Academy would evaluate the nominee and either accept or reject their nomination. Also, once someone became a member of the Academy through this process, only the Academy would have the right to dismiss them and not the relevant government. The qualifications required for membership were also stipulated in the Constitution of the Academy, which stated that the member should have specialized in Islamic sciences and must be well-versed in written and spoken Arabic. Besides individuals nominated by governments, the Academy’s General Council had also been vested the authority to nominate well-known scholars from the Islamic World who possess fiqh-related insight. Accordingly, numerous such individuals were made its member, which include Shaykh Siddiq Al-Dharir, Shaykh Wahba Zuhayli, Shaykh Yusuf Qaradawi, Shaykh Abdullah bin Manea, and others. Furthermore, it had also been decided by the Academy that besides its members participating in its meetings, other notable scholars from the Islamic world would also be invited in the capacity of “*khabeer*” (expert), who would have the right to participate in the discussions and could also be included in the *Lajnah al-Şiyāghah* (Drafting Committee) of the Academy and give their opinions in this Committee. However, in case the verdict on any issue came down to voting, only members would be allowed to participate in the voting exercise. Hence, when it would be time

to pass the resolutions in the final session, those experts would not be able to participate in it, rather only members would participate in that session.

In the founding meeting of the Academy, the Grand Mufti of Tunisia Shaykh Habeeb Balkhouja (may Allah have mercy on him) had been appointed as the *Ameen 'Aam* (Secretary General) of the Academy, and the truth is, he managed the affairs of the Academy very competently, and his tenure as Secretary General was a golden era of the Academy.

Afterwards, the first formal conference of the Academy took place on the 20<sup>th</sup> of November 1984 in Makkah Mukarramah, in which I participated as a permanent member representing Pakistan. I had written an account of this conference in *Al-Balagh*, which has now been included in the first travelogue of my book “Jahan-e-Deeda” (The World Beheld). In this conference, Saudi Arabia’s Shaykh Bakr Abu Zaid (may Allah have mercy on him) was appointed as the President of the Academy. According to the Constitution, besides the General Council, a committee called *Majlis Hay’ah al-Maktab* (Bureau Committee) was also to be formed, which would work in a capacity similar to an Executive Council. This was also appointed, and I was made a member of this committee as well. My name was nominated by Mauritania’s Shaykh Younus Abdul Wadood (may Allah have mercy on him), who was a very erudite Sunnah-following Maliki scholar. During this conference, topics were also defined on which the Academy needed to work, and it was decided that scholars would be invited to write essays on those topics and then those essays would be presented in the next conference of the Academy, and thereafter resolutions regarding those topics would be drafted. This conference was mostly of an organizational and introductory kind and no academic topic came under discussion during it.

## **Second Conference of the Academy and the Resolution on Qadianism**

Subsequently, the second conference took place in Rabi al-Thani 1406 AH, equivalent to December 1985, in which several academic topics came under discussion. It was around those days that the case of the Qadianis was under trial in Cape Town’s Court. With regards to that, I wrote a letter to the Secretary General of the Islamic Fiqh Academy in which I requested him to include this topic in the agenda of the first scholarly session of the Academy. I also wrote an essay

on this topic and attached it with the letter. This letter and essay of mine were published in the Academy's journal (*Al-Dawrah al-Thānīyah al-Mujallad al-Awwal*), and have also been published in the first volume of my collection of Arabic essays. My letter is reproduced below, with its translation:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

إلى فضيلة العلامة المحقق حبيب بلخوجه، حفظه الله تعالى ورعاه

الأمين العام لمجمع الفقه الإسلامي

السلام عليكم ورحمة الله وبركاته

فإنّ الطائفة القاديانيّة، كما تعرفون، من الفرق الزائغة المنحرفة التي لا تألو المسلمين خبالاً. وقد صدرت من مُعظم البلاد الإسلاميّة فتاوى العلماء في تكفيرهم، وفي الأخير أدخلت حكومتها باكستان تعديلاً في دُستورها، قرّرت فيه أنّ هذه الطائفة من الأقليات غير المسلمة، وذلك في سنة ١٩٧٤م، ثمّ أتبعته في العام الماضي بقانون يَمْنَعُهُم من استعمال المصطلحات الإسلاميّة، كـ"المسجد" و"الأذان" و"الخلفاء الراشدين" و"الصحابة" و"أمّهات المؤمنين"، وما إلى ذلك، كما قرّرت رابطة العالم الإسلاميّ في قرارها الصادر سنة ١٩٧٣م أنّها فرقة كافرة منحرفة.

وبعد هذا كلّ، فإنّ هذه الطائفة قد رفعت إلى المحكمة العالية بكيب تاؤن من جنوب إفريقيا، قضيتُ ضدّ المسلمين، أنّ المسلمين يحكمون عليهم بالكفر، ويمنعونهم من الصلاة في مساجدهم وعن دفن موتاهم في مقابرهم، وطلبوا من المحكمة أن يصدر حكماً ينهى المسلمين عن كلّ ذلك ويقرّر أنّهم مسلمون.

وكان الحكمه قد أُصدِرَتْ في مبدأ الأمر حكماً على المسلمين بأن لا يَمْنَعُوا القاديانيين من دخول مساجدهم إلى أن تبلغ القضية نهايتها، فرفع المسلمون طلباً إلى المحكمة بإلغاء هذا الحكم، وأن لا يُمنع المسلمون من وضعهم السابق إلى أن تثبت المحكمة بالحكم في القضية، فسافرنا من باكستان - ونحن عشرة رجال - إلى جنوب إفريقيا، لتساعد إخواننا المسلمين هناك، والحمد لله الذي رَزَقَنَا التَّجَاح في هذه المرحلة الابتدائية، وقد ألغت المحكمة حكمها السابق بعد سماع دلائل الفريقين، وكانت القاضية إذ ذاك امرأة نصرانيّة سمعت دلائلنا بكلّ عناية وإصغاء،



ثم رفع المسلمون طلباً آخر، أن الحكم بكفر القاديانيين وإسلامهم، إنما هو أمر ديني بحث، لا ينبغي لمحكمة علمانية أن يتدخل فيها، بعد ما أجمع سائر المسلمين في بقاع الأرض أن أتباع مرزا غلام أحمد كلهم خارجون عن ملة الإسلام. ولم يبق هذا الأمر بعد ذلك موضوع نقاش أو جدال.

وإن هذا الطلب رفع إلى قاض يهودي، وإتكم تعرفون أن القاديانيين لهم مركز في إسرائيل، ولهم مع اليهود صلات قوية، وزاد الضغث على الإثالة أن هذا القاضي اليهودي يعد من فرقهم المبتدعة التي أخرجها الأرثوذكسيون عن دائرتهم، فبطبعه كان ميالاً إلى مواساة القاديانيين، فحكم في جواب هذا الطلب خلاف المسلمين، وقال في حكمه: إن المحكمة العلمانية هي المصدر الوحيد الذي يستطيع أن يحكم في هذه المسألة الدينية حكماً لا يتأثر بعواطف الغصبية المذهبية، فيجب عليها أن تتدخل في هذا الأمر ويثبت فيه رأي غير منحاز.

فاضطرب المسلمون بعد هذا الحكم أن يعرضوا أمام المحكمة دلائل تكفير القاديانيين من الكتاب، والمستة، وإجماع الأمة.

وقد طلب القاديانيون من المسلمين إثبات أن علماء المسلمين في جميع البلاد الإسلامية يعتبرون القاديانية كفراً، وذكروا للمحكمة أنه ليس هناك في العالم الإسلامي مجلس يمثل علماء جميع الدول الإسلامية، حتى يقال: إن المسلمين أجمعوا على ذلك.

وفي هذا الصدد يحتاج المسلمون في هذه القضية إلى فتوى من مجلس دولي للعلماء يمثل جميع البلاد الإسلامية، ولا شك أن مجمع الفقه الإسلامي هو أعظم ما وجد حتى الآن من المجالس في هذا الشأن، فيريد المسلمون في جنوب إفريقيا أن يصدر المجمع فتوى يصرح بتكفير أتباع مرزا غلام أحمد القادياني، ليكون سنداً لهم عند دعواهم الإجماع على ذلك.

وإن هذه القضية ستشرع المحكمة في سماعها للخامس من شهر نوفمبر هذا العام، ونرجو انعقاد مجلس المجمع قبله، فمن المناسب جداً أن يصدر المجمع فتوى من قبل مجلسه العام في جلسته القادمة.

وإني، نظراً إلى أهمية الموضوع، قد سودت هذه الفتوى، لتكون ورقة عمل لشعبة الإفتاء أولاً، وللمجلس ثانياً.

فالرجو أن ترسلوا هذه الفتوى إلى جميع الإخوة الأعضاء، كورقة عمل للجلسة القادمة، وأرجو أن الإخوة الأعضاء نظراً إلى أهمية الموضوع، يسامحون عن عدم دخول هذا الموضوع في اللائحة التي أعدتها شعبة التخطيط.

وأرجو أيضاً أن تجربوني عن وصول هذه الرسالة، وإدخال الموضوع في لائحة الجلسة القادمة.

والسلام عليكم ورحمة الله وبركاته

محمد تقي العثماني

Translation:

With the name of Allah, the All-Merciful, the Very-Merciful

To his Honourable, Al-‘Allamah al-Muhaqqiq Habib Balkhouja, may Allah Most High preserve and guard him<sup>1</sup>,

Secretary General Islamic Fiqh Academy,

Assalāmu ‘Alaykum Wa Raḥmatullahii Wa Barakātuh

The Qadiani sect, as you are well-aware, is among those fallacious and misguided sects who do not spare any efforts in wishing ill for the Muslims, and Fatwas of their *kufir* (disbelief) have been issued by scholars from a majority of Muslim countries. Finally, the Government of Pakistan passed an Amendment in its Constitution in which this sect was declared a non-Muslim minority. This occurred in 1974. Thereafter last year, they were prohibited from using Islamic terms such as “Masjid” “Adhan”, Khulafa al-Rashidun”, “Sahaba” and “Ummahat al-Mu’mineen” through another law. Similarly, the Muslim World League also declared it a misguided and *kafir* (disbelieving) sect in a resolution it passed in 1973.

After all this, this sect has filed a case against Muslims in the High Court of the South African city of Cape Town in which they have objected against the Muslims for calling them *kafir* (disbelievers) and for not allowing them to pray in the Muslims’ mosques and not allowing them to bury their dead in the Muslims’ graveyards. To this end, they have asked the Court to prohibit the Muslims from this conduct and to declare them as Muslims.

Initially, the Court had ordered the Muslims not to prevent the Qadianis from praying in their mosques until the case reaches a conclusion, at which the Muslims filed a petition to rescind this order, and to let the Muslims continue their previous conduct until the case comes to a conclusive end. In relation to this, our ten-member delegation travelled from Pakistan to South Africa in

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<sup>1</sup> Urdu Translation by respected Maulana Shakir Jakhura

order to provide assistance to our Muslim brothers, and Alhamdulillah Allah Most High granted us success in this initial stage of the case. Consequently, after listening to the arguments of both parties, the Court repealed its previous verdict. At that time, a Christian lady was the judge who listened to our arguments with full attention.

After this, the Muslims filed a petition contending that the topic of whether the Qadianis are Muslims or not is a purely religious matter in which a secular court should not be involved. Furthermore, since all the Muslims of the world are in agreement that all followers of Mirza Ghulam Ahmad are out of the fold of Islam, it has no longer remained a topic of discussion or debate.

However, this petition was heard by a Jewish judge, and you are well-aware that the Qadianis have a center in Israel and they have strong ties with the Jews. On top of this, the Jewish judge belonged to a sect which is considered outside Orthodox Judaism, so he was naturally sympathetic towards the Qadianis. He thus ruled against the Muslims on this topic and stated in his verdict that a secular court is the very platform that could decide on this religious issue, for it would be unaffected by sectarian or religious sentiments, and that it is necessary for the Court to step in this religious matter and issue an unbiased verdict.

After this judgement, the Muslims were forced to present evidences in the court showing the *kufir* (disbelief) of the Qadianis from the Quran and Sunnah and Ijmā of the Ummah.

The Qadianis asked the Muslims to prove that scholars from all Islamic countries declare them to be *kafirs*, and they argued in court that there is no council in the world that represents scholars from all Islamic countries, with respect to which it could be said that there is a unanimous opinion among them declaring the Qadianis to be *kafirs*.

With regards to this, the Muslims need a Fatwa from an international council of scholars that represents all Islamic countries. There is no doubt that the Islamic Fiqh Academy is the biggest of all such councils formed until now. Therefore, the Muslims of South Africa wish for the Academy to issue a Fatwa which unequivocally declares the followers of Mirza Ghulam Ahmad Qadiani as *kafirs*, so that this Fatwa could become evidence in support of their claim.

The Court will begin hearing of this case on the 5<sup>th</sup> of November this year, and we hope that a session of the Academy will take place before this date. Therefore, it would be quite appropriate for the Council to issue this verdict on behalf of its General Council in the next conference.

In view of the significance of this topic, I have prepared a draft (attached) of the Fatwa so that it could be used as a working paper for the Fatwa Department first and thereafter the Academy.

I would like to request to please send this Fatwa to all member brothers as a working paper for the next session. Furthermore, in view of the significance of the matter, I would like to request all member brothers to overlook the fact that this topic could not be (previously) included in the agenda already planned by the Planning Committee.

I also hope that you shall inform me of receipt of this message, and also that you shall include this topic in the next session's agenda.

*Wassalam 'Alaykum Wa Rahmatullahi Wa Barakaatuhu.*

Muhammad Taqi Usmani

Subsequently, in accordance with my proposal, this topic and my essay came under discussion in the above-mentioned conference of the Academy. The matter was so clear and evident that there was no possibility of a different opinion. Therefore, the Academy's resolution declaring the Qadianis to be non-Muslims was passed unanimously, and no one raised even a doubt. The resolution also supported the actions of Pakistan's National Assembly and the relevant Amendment that was introduced through it. Since the Islamic Fiqh Academy consisted of distinguished representatives from the entire Muslim world, this resolution holds the position of a milestone in the history of Qadianism. While the Fatwa of Qadianis being out of the fold of Islam had already been issued by several other organizations, this was the first resolution that was passed in such a large gathering of representatives from the entire Muslim world. Its text is reproduced below:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله رب العالمين، والصلاة والسلام على سيدنا محمد خاتم النبيين، وعلى آله وصحبه أجمعين.

قرار رقم: 4[1](2/4)

### بشأن القاديانية

إن مجلس مجمع الفقه الإسلامي الدولي المنبثق عن منظمة المؤتمر الإسلامي في دورة انعقاد مؤتمره الثاني بجدة من 10-16 ربيع الآخر 1406هـ، الموافق 22-28 كانون الأول (ديسمبر) 1985م،

بعد أن نظر في الاستفتاء المعروض عليه من مجلس الفقه الإسلامي في كيتاون بجنوب إفريقيا بشأن الحكم في كل من القاديانية والفئة المتفرعة عنها التي تدعي اللاهورية، من حيث اعتبارهما في عداد المسلمين أو عدمه، وبشأن صلاحية غير المسلم للنظر في مثل هذه القضية،

وفي ضوء ما قدم لأعضاء المجمع من أبحاث ومستندات في هذا الموضوع عن ميرزا غلام أحمد القادياني الذي ظهر في الهند في القرن الماضي وإليه تنسب نخلة القاديانية واللاهورية،

وبعد التأمل فيما ذكر من معلومات عن هاتين النحلتين، وبعد التأكد من أن ميرزا غلام أحمد قد ادعى النبوة بأنه نبي مرسل يوحى إليه، وثبت عنه هذا في مؤلفاته التي ادعى أن بعضها وحي أنزل عليه، وظل طيلة حياته ينشر هذه الدعوة ويطلب إلى الناس في كتبه وأقواله الاعتقاد بنبوته ورسالته، كما ثبت عنه إنكار كثير مما علم من الدين بالضرورة كالجهاد،

وبعد أن اطلع المجمع أيضًا على ما صدر عن المجمع الفقهي بمكة المكرمة في الموضوع نفسه،

قرر ما يلي:

أولاً: أن ما ادعاه ميرزا غلام أحمد من: النبوة والرسالة ونزول الوحي عليه إنكار صريح لما ثبت من الدين بالضرورة ثبوتاً قطعياً يقينياً من ختم الرسالة والنبوة بسيدنا محمد صلى الله عليه وسلم، وأنه لا ينزل وحي على أحد بعده. وهذه الدعوى من ميرزا غلام أحمد تجعله وسائر من يوافقونه عليها مرتدين خارجين عن الإسلام. وأما اللاهورية فإنهم كالقاديانية في الحكم عليهم بالردة، بالرغم من وصفهم ميرزا غلام أحمد بأنه ظل وبرز لبنينا محمد صلى الله عليه وسلم.

ثانيًا: ليس لمحكمة غير إسلامية، أو قاض غير مسلم، أن يصدر الحكم بالإسلام أو الردة، ولا سيما فيما يخالف ما أجمعت عليه الأمة الإسلامية من خلال مجامعها وعلمائها، وذلك لأن الحكم بالإسلام أو الردة، لا يقبل إلا إذا صدر عن مسلم عالم بكل ما يتحقق به الدخول في الإسلام، أو الخروج منه بالردة، ومدرك لحقيقة الإسلام أو الكفر، ومحيط بما ثبت في الكتاب والسنة والإجماع: فحكم مثل هذه المحكمة باطل.

والله أعلم

Translation<sup>1</sup>:

In the Name of Allāh, the Entirely Merciful, the Especially Merciful

Praise is due to Allāh, Lord of the worlds, may the blessings and peace be upon our master Muḥammad, the last of prophets, on his family, and all his companions.

#### **Resolution No. 4 (4/2) Qadiyanism**

The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 2nd session in Jeddah, Saudi Arabia on 10–16 Rabīʿ al-Awwal 1406H (22–28 December 1985),

Having considered the *fatwā* inquiry submitted by the Islamic Fiqh Council of Cape Town, South Africa, requesting the Shariah ruling concerning Qadiyanism and the group originating from it, called the Lahorites, as to whether to consider them as Muslims or not and whether a non-Muslim can adjudicate on a controversy of this nature.

In light of the research papers and documents presented to the members of the Academy regarding Mirza Ghulam Ahmad al-Qadiyani, who appeared in India in the last century and to whom the Qadiyani and Lahorite sects are attributed,

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<sup>1</sup> Translator: Official translation taken from <https://iifa-aifi.org/en/32202.html>

Having examined the facts presented concerning these two sects that verified Mirza Ghulam Ahmad's claim to be a prophet sent and revealed upon,

Having confirmed the claims established about him through his writings, some of which he claims to be revelations sent to him, and that he continued to proclaim such a status all his life, calling people through his books and speeches to believe in his prophethood, and being a messenger and disbelieving in many of the obvious teachings of Islam such as *Jihād*,

Having recalled the resolution issued by the Islamic Fiqh Council of the Muslim World League in Makkah on this very issue,

Resolves

The declaration by Mirza Ghulam Ahmad concerning his prophethood and his claim of receiving a Divine Revelation is an open rejection of the obviously and categorically established religious doctrine concerning the ending of the prophethood with Prophet Muhammad SAW and that there is no revelation after him. Therefore, the said declaration from Mirza Ghulam Ahmad makes him, along with all those who accept it, apostates (*murtad*), who have apostatized from Islam. As far as the Lahorites are concerned, they too, like the Qadiyanis are apostates (*murtad*) despite their description of Mirza Ghulam Ahmed as the shadow and incarnation of our Prophet Muhammad SAW.

A non-Islamic court and a non-Muslim judge are not entitled to issue a judgment about someone's being Muslim or apostate, particularly when they defy the consensus of Ummah represented by its councils and scholars- This is so because a judgment concerning Islam and apostasy is not recognizable except when it is issued by a Muslim who knows all the pre-requisites for entering Islam or parting from it as an apostate and who has the grasp of the essence of Islam and disbelief and knows in depth what has been established by the Quran, Sunnah, and Ijmā' (legal consensus). Therefore, the decision of such a court is void.

Indeed, Allāh is All-Knowing.